

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 21-CR-1934 MV

SANTIAGO MARTINEZ

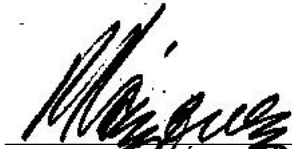
Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER is before the Court on Mr. Martinez's Opposed Motion to Suppress Statement [Doc. 59] on remand from the Tenth Circuit. Doc. 153-2. Mr. Martinez was indicted by a grand jury on one count of second-degree murder in Indian Country in violation of 18 U.S.C. §§ 1111(a) and 1153 on November 13, 2021. Doc. 17. On March 3, 2021, Mr. Martinez filed a motion in limine to suppress statements that he made to a Federal Bureau of Investigation (FBI) agent during a post-polygraph interview. Doc. 59. On November 30, 2023, this Court granted Mr. Martinez's Motion. Doc. 121. The government appealed the decision. Doc. 126. On November 19, 2024, the Tenth Circuit reversed this Court's decision to suppress and remanded for further proceedings consistent with their opinion. Doc. 153-2. Applying a totality of the circumstances test, the Tenth Circuit found that Mr. Martinez's waiver of rights was not limited in scope to only the polygraph test. *Id.* at 34, 36-43. Consistent with the Tenth Circuit's opinion, this Court denies Mr. Martinez's Motion to Suppress.

IT IS THEREFORE ORDERED that Mr. Martinez's Opposed Motion to Suppress Statement [Doc. 59] is denied consistent with this Memorandum Opinion and Order.

ENTERED this 13th day of January 2025.

A handwritten signature in black ink, appearing to read 'Martha Vazquez', written over a horizontal line.

MARTHA VAZQUEZ
SENIOR UNITED STATES DISTRICT JUDGE